

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

**AUDREY LATHAM, and
GLENNIS LATHAM,
CO-ADMINISTRATORS OF THE ESTATE
OF DAVID LOUIS LATHAM, DECEASED**

Plaintiffs,

v.

Civil Action No. 2:16cv203

**MICHAEL EDINGTON, and
CITY OF NORFOLK,**

Defendants.

ORDER APPOINTING GUARDIAN AD LITEM

On November 1, 2017, the Court convened a Settlement Approval Hearing in the above-captioned matter. See Doc. 78. The terms of the proposed settlement include a total payment by Defendant Michael Edington of \$1.5 million, to be distributed in parts to Plaintiffs' counsel as well as to a number of beneficiaries. See Doc. 77 Ex. A. Among these beneficiaries are Andre Latham and Anthony Latham, siblings to the deceased David Latham. Per the terms of the proposed settlement, Andre's and Anthony's distributions would be placed into special needs trusts for their benefit, because Andre and Anthony "are disabled individuals as defined by Section 1614(a)(3) of the Social Security Act," and their eligibility for benefits under this Act "depends on them owning limited assets." Id. at 2.

Andre and Anthony Latham did not appear at the November 1, 2017 hearing. Counsel for Plaintiffs offered signed affidavits on behalf of Andre and Anthony, stating that these individuals understand and agree to the terms of the proposed settlement. Given the mental

disability suffered by these two individuals, the Court declined to accept the affidavits, and instead required that Andre's and Anthony's interests should be represented by a court-appointed Guardian Ad Litem.

The Court hereby **APPOINTS** Scott W. Kezman of Kaufman and Canoles as Guardian Ad Litem for Andre B. Latham and Anthony C. Latham. The Guardian Ad Litem shall review the terms of the proposed settlement, and determine whether the total settlement amount and distributions to Andre and Anthony Latham are fair with respect to Andre's and Anthony's interests.

The Clerk is **REQUESTED** to send a copy of this order to all counsel of record.

It is so **ORDERED**.

/s/
Henry Coke Morgan, Jr.
Senior United States District Judge

HENRY COKE MORGAN, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Norfolk, VA
November 6, 2017